



ZILKA-KOTAB, PC
P.O. BOX 721120
SAN JOSE CA 95172-1120

COPY MAILED

JUN 20 2008

OFFICE OF PETITIONS

In re Application of
Inderjit Singh et al.
Application No. 10/633,004
Filed: July 31, 2003
Attorney Docket No. NVIDP234/P000825

ON PETITION

This is a decision on the petition, filed May 27, 2008, under 37 CFR 1.181, to withdraw the holding of abandonment.

The petition under 37 CFR 1.181 is **GRANTED**.

A decision was rendered by the Board of Patent Appeals and Interferences on March 27, 2008. A Notice of Abandonment was mailed April 10, 2008 citing abandonment in view of the decision by the Board of Patent Appeals and Interference rendered on March 27, 2008 and because the period for seeking court review of the decision had expired, thus there were no allowed claims.

Petitioner argues that the period for response had not yet lapsed as the response for seeking court review is two months from the date of the decision and submits a Request for Continued Examination and an amendment as the submission under 37 CFR 1.114 as well as the fee.

Per MPEP 706.07(h), a request for continued examination under 37 CFR 1.114 was filed in this application after a decision by the Board of Patent Appeals and Interferences, but before the filing of a Notice of Appeal to the Court of Appeals for the Federal Circuit or the commencement of a civil action. Since this application is eligible for continued examination under 37 CFR 1.114 and the fee set forth in 37 CFR 1.17(e) has been timely paid, the appeal has been withdrawn pursuant to 37 CFR 1.114 and prosecution in this application has been reopened pursuant to 37 CFR 1.114. Applicant's submission filed on May 27, 2008 has been entered.

Accordingly, the response was timely and the Notice of Abandonment mailed April 10, 2008 was mailed prematurely in error and is hereby withdrawn. No petition fee is due and none has been charged.

This matter is being referred to Technology Center 2811 for processing the RCE filed May 27, 2008.

Telephone inquiries concerning this matter may be directed to the undersigned
Petitions Attorney at (571) 272-3212.

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions